

Remarks

The paragraphs of the Office action are responded to through the corresponding numbered paragraphs below. The applicant has addressed each issue in turn and, for clarity, has provided a heading for each issue.

Claim Rejections – 35 USC § 102

1. The Examiner provided the citation to 35 U.S.C. § 102 "that form the basis for the rejections under this section made in this Office action." The applicant believes that no specific response is required for this paragraph.
2. The Examiner rejected claims "41-43, 45-51, 53-57, 59-62, 65-70, 72, 77, 79-80, 82-89, 91-99, 101-108, 110-115, 117-122, 124-128 and 130-131 under 35 U.S.C. § 102(e), as being anticipated by Moura et al." The applicant has requested that claims 105 to 131 be cancelled. The applicant has requested that claim 41, 51, 61, 70, 79, 86, 93, and 99 (the independent claims on which claims 42-50, 52-60, 62-69, 71-78, 80-85, 87-92, 94-98 and 100-104 depend) be amended to more clearly point out that applicant's invention includes "a satellite receiver in electronic communication with the server computer" and "the server computer having satellite receiver interface software installed thereon" and "the satellite receiver operating to receive download data which is then sent to the client computer by the server computer via a computer network in order to provide the advantages of satellite communications for high volume download data packets." The applicant believes that the cited reference neither discloses nor suggests the combination of elements of the claims as amended. The applicant believes that the cancellation of these claims and the amendment of the independent claims fully addresses the rejection of this paragraph and that this response is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Claim Rejections – 35 USC § 103

3. The Examiner provided the citation to 35 U.S.C. § 103(a) "which forms the basis for all obviousness rejections set forth in this Office action." The applicant believes that no specific response is required for this paragraph.

The Examiner also reminded the applicant of the applicant's obligation to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. The applicant believes all claims are and were commonly owned by assignment to Helius, Inc.

4. The Examiner rejected claims "44, 52, 58, 63-64, 71, 78, 81, 90, 100, 109, 116, 123 and 129 under 35 U.S.C. § 103(a) as being unpatentable over Moura et al." As

noted above, the applicant has requested that claim 41, 51, 61, 70, 79, 86, 93, and 99 (the independent claims on which claims 42-50, 52-60, 62-69, 71-78, 80-85, 87-92, 94-98 and 100-104 depend) be amended to more clearly point out that applicant's invention includes "a satellite receiver in electronic communication with the server computer" and "the server computer having satellite receiver interface software installed thereon" and "the satellite receiver operating to receive download data which is then sent to the client computer by the server computer via a computer network in order to provide the advantages of satellite communications for high volume download data packets." The applicant believes that the cited reference neither discloses nor suggests the combination of elements of the claims as amended. The applicant believes that the cancellation of these claims and the amendment of the independent claims fully addresses the rejection of this paragraph and that this response is fully responsive to the rejection of this paragraph. The applicant respectfully requests reconsideration and withdrawal of this rejection.

Conclusion


5. The Examiner noted that certain "prior art" is made of record and not relied upon is considered pertinent to the applicant's disclosure. The applicant appreciates the Examiner's search and respectfully requests that this "prior art" be listed among the cited references in this case upon allowance.

6. The Examiner indicated that a shortened statutory period for response has been set and that extensions of time may be obtained under the provisions of 37 CFR § 1.136(a). The applicant is responding within the permitted extension period.

7. The Examiner provided information concerning communication on this application. The applicant appreciates the Examiner's willingness to communicate and assist on this case.

The applicant has requested that claims 41-104 be amended and that claims 105-131 be cancelled without prejudice. Applicant believes that all issues and points of the Examiner's Office action have been addressed. Applicant believes that claims 41-104 are patentable over all known prior art. Applicant respectfully requests reconsideration and allowance of this application.

Respectfully submitted this 20th day of May, 2003.


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AMENDMENT AND RESPONSE
TO NON-FINAL OFFICE ACTION

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